

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wisconsin Power and Light Company and Wisconsin
Electric Power Company for a Certificate of Authority to Install a Selective
Catalytic Reduction System for Nitrogen Oxide Removal on Unit 5 at the
Edgewater Generating Station, Sheboygan County, Wisconsin

5-CE-137

**WISCONSIN ELECTRIC POWER COMPANY'S
MOTION TO MODIFY THE TESTIMONY SCHEDULE AND
SHORTEN TIME FOR RESPONSES**

Pursuant to Wis. Stat. §§ 227.44(3) and 227.46(1)(g), Wis. Admin. Code § PSC 2.23(1), the August 18, 2009 Second Prehearing Conference Memorandum, and August 21, 2009 Notice of Hearing, Wisconsin Electric Power Company ("Wisconsin Electric") hereby moves for a 60-day extension of the deadlines for testimony in this matter, and for a new hearing date consistent with that extension. The grounds for this motion are twofold: (1) the requested extension would allow Wisconsin Electric time to pursue various considerations, including recent settlement discussions with regard to our ownership interest in the Edgewater Generating Station; and (2) the requested extension will not prejudice the proceeding in light of the extended build schedule that the Applicants recently reported to the Public Service Commission.

In September of this year, Wisconsin Electric began settlement discussions on our ownership interest in the Edgewater Generation Station. The extension would allow for these discussions to play out, the outcome of which may have an impact on this proceeding.

Further, the requested extension of the testimony deadlines will not prejudice the parties to this proceeding. As reflected in the Applicants' September 14, 2009 Response to Staff Data Request 6.01, the beginning of construction has been extended from November, 2009 to September, 2010. Likewise, the anticipated date for completion of construction has been

extended from the spring of 2011 to the fall of 2012. Thus, a 60-day extension will not delay the project or prejudice the parties.

Therefore, the following modifications to the schedule are requested:

- Change Applicants' direct testimony deadline from October 20, 2009 to Monday, December 21, 2009 at noon;
- Change Intervenor and Commission Staff direct testimony deadline from December 8, 2009 to Monday, February 8, 2010 at noon;
- Change the rebuttal testimony deadline from December 22, 2009 to Monday, February 22, 2010 at noon;
- Change the deadline for surrebuttal testimony from January 12, 2010 to Friday, March 12, 2010 at noon; and
- Change the hearing currently scheduled for January 19, 2010 to Monday, March 22, 2010.

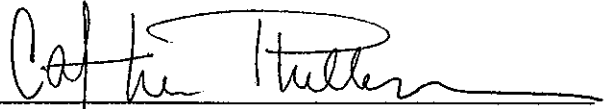
Applicants' testimony is due October, 20 2009. In order to have time to prepare and file testimony by this deadline Wisconsin Electric respectfully seeks an abbreviated schedule for the filing of responses and a reply and for the issuance of an order on this motion. Wisconsin Electric requests that responses to the motion be filed no later than Thursday, October 15 and Wisconsin Electric's reply be filed on Friday, October 16. The undersigned counsel has spoken to counsel or representatives for all parties and alerted them that this motion would be filed today.

Wisconsin Electric is authorized to state that the Intervenors do not oppose the foregoing changes to the schedule.

Dated this 13th day of October, 2009.

Respectfully submitted,

WISCONSIN ELECTRIC POWER COMPANY

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